

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	July 2, 2016; 11:20 p.m.; [REDACTED]
Date/Time of COPA Notification:	November 30, 2016; 12:47 p.m.
Involved Officer #1:	Unidentified Officers
Involved Individual #1:	[REDACTED] 1995; male; black
Case Type:	Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Unidentified Officers	1. It is alleged that Unidentified Officers punched [REDACTED] on the ribs, in violation of Rule 8. 2. It is alleged that Unidentified Officers punched [REDACTED] on the face, in violation of Rule 8. 3. It is alleged that Unidentified Officers pushed [REDACTED] head against a chandelier, in violation of Rule 8.	Not Sustained Not Sustained Not Sustained

II. SUMMARY OF EVIDENCE²

[REDACTED] was arrested after officers reportedly observed co-arrestee [REDACTED] give [REDACTED] a handgun. Officers immediately arrested [REDACTED] however, [REDACTED] entered a residence at [REDACTED]. Officers surrounded and surveilled the residence and waited to obtain a search warrant. Approximately four hours later, officers entered the residence with a search warrant and recovered a handgun. The officers subsequently placed [REDACTED] into custody. According to [REDACTED] unknown officers punched him on the ribs and face, and pushed his head against a chandelier. [REDACTED] sustained soreness to his ribs but did not seek medical attention. [REDACTED] could not provide any identifying information for the accused officers, except that one of the officers was a "short" white male, which [REDACTED] explained as being 5'10"-5'11" tall. [REDACTED] believed that the accused officer may have been one of the first officers on scene. Department reports document that there were four officers involved in the initial stop, and at least eighteen officers on scene when the warrant was executed. [REDACTED] stated that three other

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

²COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA's ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

people were in the home at the time of the incident but did not witness the officers punch him. The incident was not captured on any video recording.

III. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

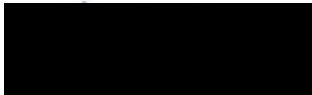
A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

IV. ANALYSIS AND CONCLUSION

[REDACTED] alleged that during the execution of a search warrant, unknown officers punched him in the ribs and face and pushed his head against a chandelier. [REDACTED] did not know the identity of the accused officers. There were at least eighteen officers on scene at the time of the incident. None of the involved officers documented using force during [REDACTED] arrest. There are no recordings of this interaction which could help determine what happened or identify the accused officer(s). Therefore, there is insufficient evidence to prove or disprove these allegations.

Approved:



April 13, 2019

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	[REDACTED]
Investigator:	[REDACTED]
Supervising Investigator:	[REDACTED]
Deputy Chief Administrator:	Andrea Kersten, # [REDACTED]